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**COUNSEL FOR DEFENDANTS**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA**

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NATIONAL ASSOCIATION FOR GUN RIGHTS, INC.,	Case No. CV 16-00023-H-DLC
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Plaintiff,

v.

JONATHAN MOTL, in his official capacity as the Commissioner of Political Practices for the State of Montana, *et al.*,

Defendants.

**DEFENDANTS' STATEMENT OF UNDISPUTED FACTS**

**Undisputed Facts in Support of Defendants' Motion for Summary**

Judgment:

1. The “initiation of voting in an election,” under Mont. Code Ann. § 13-1-101(15), has been defined by rule as the time of mailing of absentee ballots, which equates to around 85 days prior to the day of the election, depending on the Montana Secretary of State’s election calendar. Doc. 33 (Motl Decl.); Mont. Admin. R. 44.11.605(2); COPP-2016-AO-005 at 3.

2. A group that qualifies as a political committee but “is not specifically organized or operating for the primary purpose of supporting or opposing candidates or ballot issues” need only register as an “incidental committee.” Mont. Code Ann. § 13-1-101(22).

3. An incidental committee that does not receive or solicit earmarked contributions need only report its expenditures, and thus need not identify those who contributed to the committee. Mont. Code Ann. § 13-37-232(4).

4. For a single expenditure, an incidental committee may file a C-2 and C-4 together and thus complete the reporting requirement in a single filing. Doc. 14-2 (Motl Decl.), ¶ 13.

5. If multiple expenditures are made over a period of time, the committee need only file a Form C-4 for each additional expenditure.

Doc. 14-2, ¶ 13; Mont. Code Ann. § 13-37-226.

6. A Form C-2, called a Statement of Organization, “requires the listing of the treasurer/contact for the group, a brief description of the committee type and purpose, a list of the names of candidates identified by expenditure and the name and address of the bank used by the political committee.” Doc. 14-2, ¶ 7;

<http://politicalpractices.mt.gov/content/pdf/5cfp/fillc-2complete.pdf>

7. A Form C-2 takes about 10 minutes to complete. Doc. 14-2, ¶ 7.

8. A Form C-4 is only three pages, and requires only basic information about the committee and the expenditure. *Montanans for Community Develop. v. Motl.* CV 14-55-H-DLC, Doc. 176 (MCD) at 43; <http://politicalpractices.mt.gov/content/5campaignfinance/fillcompleteC4.pdf>

9. Both the C-2 and C-4 forms are available online. Doc. 14-2, ¶ 21.

10. These forms are “less complicated than federal or state personal income tax forms.” Doc. 14-2; *MCD* at 43.

11. Registering as an incidental committee imposes only a minimal burden. Doc. 14-2, ¶¶ 7, 13, 18, 21; *MCD* at 51; Mont. Code Ann. §§ 13-37-226, -232.

12. Under Montana’s reporting requirements, the required disclosure increases as a political committee more actively engages in campaign spending and as an election nears. Doc. 14-2; Mont. Code Ann. §§ 13-1-101(15), (22), (23), 13-37-229, 13-37-232.

13. The disclosure required for electioneering communications provides important information to the public about the groups competing for the public’s attention during elections. Doc. 14-2, ¶¶ 6, 26, 31; *MCD* at 41-42.

Respectfully submitted this 8th day of March, 2017.

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By: /s/ J. Stuart Segrest  
J. STUART SEGREST  
Assistant Attorney General

## **CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing document with the clerk of the court for the United States District Court for the District of Montana, Helena Division, by using the cm/ecf system. Participants in the case who are registered cm/ecf users will be served by the cm/ecf system.

DATED: March 8, 2017

*/s/ J. Stuart Segrest*  
J. STUART SEGREST  
Assistant Attorney General